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FEB 02 2005

Docket No.: 2336-212

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Hun Joo HAHM *et al.* : Confirmation No. 4040
U.S. Patent Application No. 10/689,630 : Group Art Unit: 2818
Filed: October 22, 2003 : Examiner: Andy Huynh
For: WHITE LIGHT EMITTING DIODE AND METHOD FOR MANUFACTURING THE
SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *January 7, 2005*, restriction to one of the following inventions is required:

- Group I: Claims 1-24, drawn to a device, classified in class 257, subclass 079.
Group II: Claims 25-46, drawn to a method, classified in class 438, subclass 022.

In response, Applicants hereby elect *Group I*, upon which claims 1-24 are readable.

The election was made *with traverse* because the Examiner has failed to show, by way of example, that the product of Group I can be made by another and materially different process. See MPEP, section 806.05(f). In the Restriction Requirement, the Examiner simply alleged that the "device of the group I invention could be made by the processes materially different from those of the group II invention" without providing any example of such materially different processes. Applicants are, therefore, not persuaded that a proper Restriction Requirement has been set forth.

Early examination on the merits is courteously solicited.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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February 2, 2005
DATE

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